

Minutes of Meeting of the State Highway Commission  
Of Virginia, Held in Lexington  
November 7, 1957.

Following lunch at 12:15 P.M. in the Robert E. Lee Hotel, Lexington, Virginia, the State Highway Commission met in business session. Present - Messrs. J. A. Anderson, E. P. Barrow, G. Wallace Carper, S. S. Flythe, S. D. May, Burgess E. Nelson, Tucker C. Watkins, Jr., and Wm. A. Wright. Mr. F. A. Davis, Deputy Commissioner and Chief Engineer, was present, took charge of the meeting and called it to order.

It was moved by Mr. Barrow and seconded by Mr. Watkins, that the permits issued from the October 24th meeting to date, inclusive, as recorded in the Auditing Division, be approved. Motion carried.

Moved by Mr. Watkins, seconded by Mr. May, that permits cancelled from the October 24th meeting to date, inclusive, be approved as authorized June 25, 1947; all as recorded by the Department. Motion carried.

Whereas, Chapter 540 of the Acts of Assembly of 1954 provided for the construction by the Department of Highways of a road leading to the birthplace of James Monroe in Westmoreland County; and WHEREAS, under Project 7595-01, Route 209, the road has been completed and opened to traffic; NOW THEREFORE, BE IT RESOLVED, that under the authority of Section 55-26 of the Code of Virginia of 1950, as amended, the newly constructed road in Westmoreland County, totaling 1.579 miles and leading from the intersection of Route 205 easterly to the James Monroe Memorial be added to the Primary System of State Highways.

Moved by Mr. Flythe, seconded by Senator Nelson, that, WHEREAS, Section 55-26 of 1950 Code, as amended, by the 1952 General Assembly of Virginia, authorizes the State Highway Commission to add such roads, bridges and streets as it shall deem proper, and to transfer from the Secondary System to the Primary System such roads, bridges and streets as it shall deem proper, not to exceed 50 miles during any one year; and WHEREAS, with the steadily increasing traffic on Route 57 in the Stanleytown - Bassett area, it has been determined that a suitable alternate route to run south of the Smith River would serve a large portion of the traffic and thereby relieve the congested conditions along present Route 57; and whereas, it is not practicable to widen present Route 57 through Bassett without excessive cost; NOW, THEREFORE, BE IT RESOLVED, that under authority of Section 55-26 of the 1950 Code of Virginia, as amended, the proposed location of an alternate route, beginning just west of Bassett at the intersection of present Route 57 and following generally in an easterly direction along Secondary Route 682 with improved alignment to an intersection with present Route 57 at a point near Stanleytown, a distance of approximately 5 miles be added to the Primary System of Highways, and designated as alternate Route 57. Motion carried.

Moved by General Anderson, seconded by Senator Wright, that, WHEREAS, by agreement dated July 29, 1952, recorded in the Clerk's office of Fairfax County in Deed Book 1008, Page 76, Ashton C. Jones, Jr., and W. M. Stone, trustees, did convey to the Commonwealth the right and easement to use certain additional areas of their property for the extension of road slopes and/or other construction in connection with the improvement of Route 7, Project 2729-02; and, WHEREAS, the land upon which the said easement lies as well as the adjoining land has now been graded and improved by the construction of a filling station so that the road slopes no longer exist and the easement no longer is needed; and, WHEREAS, the owners of the property have requested that the easement be reconveyed to them in order to remove any possible cloud on their title or objection to their use of the land; and, WHEREAS, the State Highway Commissioner has certified in writing that this easement does not constitute a section of the public road and is deemed no longer necessary for the uses of the State Highway System; NOW, THEREFORE, as provided in Section 55-78.6 of the 1950 Code of Virginia, as amended, the conveyance of the aforementioned easement by deed of quitclaim to the present owners of the underlying fee and the land adjacent thereto is approved and the State Highway Commissioner is authorized to execute a deed accordingly. Motion carried.

Moved by General Anderson, seconded by Senator Wright, that, WHEREAS, by deed dated August 21, 1948, recorded in the Clerk's office of Chesterfield County in Deed Book 509, Page 589, Dorothy L. Owens did convey to the Commonwealth all of Lots 218 and 219, Cloverdale Subdivision, and by deed dated October 12, 1948, recorded in said Clerk's office in Deed Book 501, Page 581, Samuel O. Forte did convey to the Commonwealth all of Lot 220, Cloverdale Subdivision, as shown on Sheet 4 of the plans for Route 60, Project 174-RI; and WHEREAS, a portion of said Lots 218, 219, and 220 is outside of the normal 160-foot right of way now needed for said route and is adjacent to land owned by Charles A. Dunn and Laura M. Dunn, husband and wife, who have offered the sum of \$900.00 for this portion, which offer is deemed adequate; and WHEREAS, the State Highway Commissioner has certified in writing that this portion does not constitute a section of the public road and is deemed no longer necessary for the uses of the State Highway System; NOW, THEREFORE, as provided in Section 55-78.6 of the 1950 Code of Virginia, as amended, the conveyance of the said portion of land to Charles A. Dunn and Laura M. Dunn, with special warranty of title, for the sum of \$900.00 is hereby approved and the State Highway Commissioner is authorized to execute a deed accordingly. Motion carried.

Moved by General Anderson, seconded by Senator Wright, that, WHEREAS, the Department of Highways has altered and reconstructed a section of Route 501 in Halifax County in accordance with plans for Project 2041-13 and has acquired additional right of way for this work from property belonging to the heirs at law of Annie C. Stemple, deceased; and, WHEREAS, the agreement providing for the acquisition of this additional right of way also provides, in substance, that it would be recommended to the State Highway Commission that the Commonwealth release and quitclaim to the said heirs the 50-foot right of way of the former location of Route 501 which lies within the limits of the property belonging to the said heirs and lies outside of the right of way needed for the altered and relocated location of Route 501 and originally acquired from Annie C. Stemple by deed dated November 13, 1922, and recorded in the Clerk's office of Halifax County in Deed Book 132, Page 72; and, WHEREAS, the section of the former location has been abandoned for use as a highway to the extent of the alteration in accordance with the provisions of Section 33-78.5 of the 1950 Code of Virginia, as amended, by the State Highway Commission at its meeting on May 1, 1957, which action was approved by the Board of Supervisors of Halifax County by resolution adopted March 4, 1957; and WHEREAS, the State Highway Commissioner has certified in writing that the section of old road and right of way is deemed no longer necessary for the uses of the State Highway System; NOW, THEREFORE, as provided in Section 33-78.6 of the 1950 Code of Virginia, as amended, conveyance of the section of old road and right of way as described, to the heirs at law of Annie C. Stemple, deceased, by deed of quitclaim is hereby approved, and the State Highway Commissioner is authorized to execute a deed accordingly. Motion carried.

Moved by Mr. May, seconded by Mr. Flythe, that WHEREAS, Sections 412 and 713 of the Trust Indenture dated September 1, 1954, between the Virginia State Highway Commission and the National Bank of Commerce of Norfolk, trustee, provides for the disposal of the Chesapeake Ferry properties located at Fort Monroe, Virginia, when the Hampton Roads Bridge-Tunnel Project is completed and open to traffic; and WHEREAS, the Hampton Roads Bridge-Tunnel Project was opened to public traffic on November 1, 1957, and the ferry landing property owned and formerly operated by the Commission at Fort Monroe, Virginia, in connection with the Chesapeake ferries is no longer useful in connection with the operation of the project; and WHEREAS, it is the opinion of the Commission that the property should be transferred to the Chesapeake Bay Ferry Commission; NOW THEREFORE, BE IT RESOLVED, that the ferry landing facilities owned by the Highway Commission at Fort Monroe, Virginia, be transferred to the Chesapeake Bay Ferry Commission. Motion carried.

Moved by General Anderson, seconded by Senator Wright, that as provided under Article 6.1, Section 55-78.5 of the 1950 Code of Virginia, as amended, and upon recommendation of the Commissioner, the following section of old Route 501 in Bedford County being no longer necessary for uses as a highway it be abandoned to the extent of alteration: Section 1 shown on plat dated July 11, 1957, Project 2009-06. That as provided under Article 6.1, Section 55-78.1 of the Code, Amended, Section 2 shown on the plat be discontinued as a part of the Primary System. Motion carried.

Moved by General Anderson and seconded by Senator Wright, that as provided under Article 6.1, Section 55-78.5 of the 1950 Code of Virginia, as amended, and upon recommendation of the Commissioner, the following sections of old Route 16 in Tazewell County being no longer necessary for uses as a highway they be abandoned to the extent of alteration: Sections 1, 3, 4 and 8 shown on plat dated November 26, 1956, Project 5892-09. That as provided under Article 6.1, Section 55-78.1 of the 1950 Code, Amended, Section 2 shown on the plat be discontinued as a part of the Primary System. Further, that as provided under Article 2, Section 55-141 of the Code, Section 7 also shown on the plat dated November 26, 1956, be added to the Secondary System as a connection. Motion carried.

Moved by General Anderson, seconded by Senator Wright, that as provided under Article 6.1, Section 55-78.5 of the 1950 Code of Virginia, as amended, and upon recommendation of the Commissioner, the following section of old Route 1 in Caroline County being no longer necessary for uses as a highway it be abandoned to the extent of alterations: Section 1 shown on plat dated September 3, 1957, Project 356-JW-9. Motion carried.

Moved by General Anderson, seconded by Senator Wright, that as provided under Article 6.1, Section 55-78.5 of the 1950 Code of Virginia, as amended, and upon recommendation of the Commissioner, the following section of old Route 41 in Pittsylvania County being no longer necessary for uses as a highway it be discontinued as a part of the Primary System: Section 1 shown on plat dated August 22, 1957, Project 5871-01. Motion carried.

Moved by General Anderson, seconded by Senator Wright, that as provided under Article 6.1, Section 55-78.5 of the 1950 Code of Virginia, as amended, and upon recommendation of the Commissioner, the following sections of old Route 23 in Wise County being no longer necessary for uses as a highway they be abandoned to the extent of alteration: Sections 1 and 2 shown on plat dated January 11, 1957, Project 5897-08. Motion carried.

Moved by Mr. Flythe, seconded by Mr. Barrow, that WHEREAS, changes in highway development have brought about the need to establish an over-all program to keep pace with such change and development, the Virginia State Highway Commission desires to state and define its policy and procedures concerning railway-highway projects constructed or improved as a part of the State highway systems, now therefore be it RESOLVED, that the following procedure is hereby established for agreements covering railway-highway projects:

I. Grade Crossing Elimination Projects - Included shall be all projects designed to eliminate crossings of highways and railroads at grade, including the necessary approaches.

- a. Terms of prior agreements and applicable statutes shall be met.
- b. If the principal grade crossing is to be closed when the project is completed, the railroad shall be expected to contribute approximately 10% of the cost if the project is financed, in part, with Federal funds.
- c. On projects involving only State funds, the railroads shall be expected to contribute approximately 25% of the cost.

II. Reconstruction of Existing Railway-Highway Grade Separation Projects This group shall include all projects for the reconstruction, replacement, widening or strengthening of structures, which separate highways and railroads.

- a. Terms of prior agreements and applicable statutes shall be met.
- b. In cases where the railroad has a maintenance responsibility and such responsibility will be discharged upon the completion of the new facility, the railroad shall be expected to make a contribution commensurate with its responsibility.
- c. Where there is no responsibility on the part of the railroad, a contribution will not be expected.

III. Additional facilities - In cases where a clearance in excess of that necessary to span the existing facilities of the railroad is requested by the railroad so as to accommodate its future tracks, the cost of constructing such clearance shall be borne entirely by the railroad except where the railroad has definite and fixed plans to construct its additional tracks within five years of the date of the contemplated project. In this event Federal funds may be used and the contribution, if any, by the railroad will be such as is agreed upon by the parties.

IV. Grade Crossing Protection Projects - This group shall include projects for protecting existing grade crossings of railroads and highways by means of automatic signal devices. Where Federal funds are involved, 10% of the cost shall be contributed by the railroad, whether the device is new or is an improvement to an existing signal device. The same contribution shall be required upon removal and subsequent erection of these devices at a new location. Where only State funds are involved, the railroads shall be expected to contribute approximately 25% of the cost.

V. Existing Railroad Crossed by New Highway or Existing Highway Crossed by New Railroad

- a. When a new highway which is not a relocation of an existing road is constructed and it intersects a railroad, no contribution by the railroad will be required for construction of a separation structure, grade crossing, or installation of a signal device, at such crossing.
- b. When a highway is intersected by a new railroad line, the construction of a separation structure, or grade crossing, or the installation of a signal device, shall be paid for by the railroad.

VI. Crossing at Grade to be Relocated or Widened - Whenever a project involves the widening or relocation of a grade crossing, the cost thereof shall be borne as agreed upon between the railroad and the Highway Department.

VII. Maintenance - The maintenance of all grade separation structures shall be in accordance with Section 58-368.1 of the Code of Virginia of 1950 and other statutes governing such maintenance.

Maintenance of protective devices at grade crossings defined in Section 58-408.2, shall be shared equally by the Highway Department and the railroad.

Grade crossings shall be maintained as provided for by Section 58-405 of the Code of Virginia, 1950, as amended.

Motion unanimously carried.

Moved by General Anderson, seconded by Mr. Watkins, that, WHEREAS, the Hampton Roads Bridge-Tunnel facility is to be maintained under separate agreement in the City of Norfolk, NOW, THEREFORE, BE IT RESOLVED, that the section of Route 80 that is overlapped by the Hampton Roads Bridge-Tunnel route in the City of Norfolk, a distance of 2.15 miles, be dropped from the allocation of mileage subject to payment for maintenance to the City of Norfolk as provided under Section 58-115 of the 1950 Code of Virginia, as Amended, effective October 31, 1957. Motion carried.

The following letter received from Mr. Lucius J. Kellam, Chairman, Chesapeake Bay Ferry Commission, dated October 28, 1957, was read to the Commission. "This will acknowledged receipt of the Highway Department's approval to our request for a north-south crossing of the Chesapeake Bay and also the duly attested copies of the resolution of your Commission concerning this approval. Please accept, on behalf of the Chesapeake Bay Ferry Commission, our thanks for the courteous consideration which you and your Commission have given to us. I feel that the hearings and the treatment received have been on a most equitable basis for both the proponents and the opponents and that the decision made by your Commission was well justified by the evidence which had been presented to you. Again my thanks for your many courtesies to us."

Correspondence before the Commission relative to proposed conveyance of easement to American Telephone and Telegraph Company on Route 1, Project 589-C, Chesterfield County, was most carefully considered. It was moved by General Anderson and seconded by Mr. Flythe, that the matter be handled as a revocable permit subject to cancellation at the pleasure of the Commission. Motion carried.

The Commission was provided with notes for informal purposes on the hearing relative to rules and regulations covering the use of the Hampton Roads Bridge-Tunnel Project. The Commission voted to consider the request of the Bottled Gas Corporation of Virginia in its letter of November 6th, 1957, as well as other suggestions made; before taking final action on the proposed regulations. Emergency regulations to remain in effect.

No comments or suggestions were offered.

There being no further business before the Commission it was moved to adjourn, to meet again in Richmond on November 26th. The motion unanimously carried.

Approved -

  
Deputy Commissioner

Attested -

  
Secretary